

City of Cincinnati



Office of City Solicitor

November 17, 2006

Wardell Hill
1046 Lockman Avenue
Cincinnati, Ohio 45238

Dear Mr. Hill:

We have completed our review of your claim for reimbursement of a plumbing expense you incurred in April 2006, at 1046 Lockman Avenue, in Cincinnati, Ohio.

Metropolitan Sewer District (MSD) responded to a call from Mr. Hill in, April 2006, concerning sewer backup at 1046 Lockman Avenue. An MSD crew rodded the lateral and cleared two obstructions in the house lateral.

We are sensitive to your situation, but the MSD Regulation states the finding of the two obstructions in the house lateral is a concern of the property owner. Therefore, based upon the facts, the City of Cincinnati must deny your claim.

If you disagree with the City's disposition of your claim, you may appeal the decision through standard legal process in the courts of Hamilton County in the Hamilton County Municipal Court or the Court of Common Pleas, both of which are located at 1000 Main Street, Cincinnati, Ohio 45202.

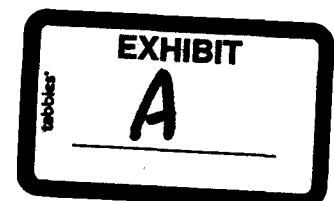
Alternatively, in accordance with an order in the Consent Decree case, Federal Case # C-1-02-107, you may file a Request for Review with the Federal Court in Cincinnati, Ohio. You should file your Request within 90 DAYS (by [fill in appropriate date 90 days from date of letter]) with the Clerk's Office of the Federal Court located in the Potter Stewart U.S. Courthouse, Room 103, 100 East 5th Street, Cincinnati, Ohio 45202. You may call the Ombudsman at (513) 362-2801 (Legal Aid Society) for further information concerning your rights.

Sincerely,

Shirley Lenzly
Claims Administrator

Room 214, City Hall
801 Plum Street
Cincinnati, Ohio 45202
Phone (513) 352-3334
FAX (513) 352-1515

J. Rita McNeil
City Solicitor



COMPLAINT FORM

Date: 04/01/06

Time: 12:32

Received: RSO

CALLER INFORMATION

Name: HILL WARDELL W III & JANET M

Agency: Private

Business Phone: CELL 264 4587

Address:

Home Phone: 921 0613

PROBLEM LOCATION

Address: 1046 LOCKMAN AV

45238 City/Township CINC

Nearest Intersection: HIGHRIDGE AV

WPRICE

Detailed Location Information: USNG 1M:GJ0790231840

Condition Reported: Water - In - Basement

Comments: WIB Now: Y SRC: Fldrain Freq: 1st P: N WIBPP: Y

Current Condition: Water - In - Basement

ON SITE INSPECTION

Date: 04/01/06

Unit Number: 442

Dispatch Time: 14:45

Arrival Time: 15:25

Completion Time: 16:40

Condition Found: No Main Sewer Trouble

Action Taken:

Comments: CK'D 24" ML IN FRONT OF ADDRESS FROM U/S MH 24106008 TO D/S 24106016 & CK'D 36" ML IN FRONT OF ADDRESS 24106015 & 36" ML ON SIDE & REAR OF ADDRESS FROM U/S MH 24106037 TO D/S 24106017. THERE IS SIGN OF SURCHARGE IN MH'S. OWNER IS IN THE WIB PROGRAM. MSD HAS BEEN OUT HERE AT LEAST 5 TIMES SINCE 2003. C/ HAS NO B/U AT PRESENT TIME. NO SEWAGE COMES UP IN BASEMENT. THERE IS SEWAGE ON SIDE OF HOUSE THAT CAME UP OUT OF DOWN SPOUT PIPE. SPOKE W/ MY SUPERVISOR MR. WUEST ABOUT PROBLEM & NO NEED TO ROD H/T. WE RODDED H/T IN 6/05 & HIT NOTHING. THIS IS AN ON GOING PROBLEM HERE. A/C OF MY FINDINGS & LEFT WIB & R/W SHEETS & C/ CARD. D. LUMPKIN 4/1/06
D. EDWARDS 4/1/06 RE-RUN
RAKED PAPER & SOLIDS UP FROM AROUND DOWNSPOUT WHERE SEWAGE WAS SURFACING. HOSED AREA TO CLEAN UP DEBRIS. HOME OWNER USED FACILITIES & SEWAGE STARTED COMING OUT OF DOWNSPOUTS. CK'D ML, NMST & NBUIMH @ PRESENT. A/ HOME OWNER & CALLED 440 TO ROD H/T. D. REIMAN 4/1/06
CK'D 24" COMB ML O&R, NMST & NBUIMH. HAD SEWAGE COMING UP FROM DOWNSPOUT. LOCATED C/O STACK IN BASEMENT & RODDED FROM 4" C/O STACK. HIT SOME OBSTRUCTION AT 17' ON P/P. RODDED 90' W/ A 3.5" SPEAR CUTTER TO ML. BROUGHT BACK FEMALE NAPKIN. DEREK THOMPSON 4/1/06

EXHIBIT

B

